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INDIVIDUALIZED EDUCATION PROGRAM (IEP)

STUDENT NAME: A DATE OF BIRTH: LOCAL ID #:	DISABILITY CLASSIFICATION: Other Health Impairment
PROJECTED DATE IEP IS TO BE IMPLEMENTED: 01/10/2017	PROJECTED DATE OF ANNUAL REVIEW: 12/21/2017

STUDENT NAME: A G

NYC ID:

PRESENT LEVELS OF PERFORMANCE AND INDIVIDUAL NEEDS
DOCUMENTATION OF STUDENT'S CURRENT PERFORMANCE AND ACADEMIC, DEVELOPMENTAL AND FUNCTIONAL NEEDS
EVALUATION RESULTS (INCLUDING FOR SCHOOL-AGE STUDENTS, PERFORMANCE ON STATE AND DISTRICT-WIDE ASSESSMENTS) A is a 6 year old boy attending first grade at a charter school in Brooklyn, NY. School Based Assessments: Most Recent Reading Assessment Score = F&P, Level F (Beginning of first grade) Most Recent Writing Assessment Score = N/A (Was not yet enrolled upon last writing unit) Most Recent Math Assessment Score = Math Interim Assessment, 30% Speech and Language Evaluation: 12/3/16 Clinical Evaluation of Language Fundamentals, 5th Edition (CELF-5) Core Language Score: Standard Score of 81, 10th Percentile, Below Average Range of Functioning Receptive Language Index: Standard Score of 80, 9th Percentile, Below Average Range of Functioning Expressive Language Index: Standard Score of 81, 10th Percentile, Below Average Range of Functioning Language Content Index: Standard Score of 78, 7th Percentile, Below Average Range of Functioning Language Structure Index, Standard Score of 81, 10th Percentile, Below Average Range of Functioning
ACADEMIC ACHIEVEMENT, FUNCTIONAL PERFORMANCE AND LEARNING CHARACTERISTICS LEVELS OF KNOWLEDGE AND DEVELOPMENT IN SUBJECT AND SKILL AREAS INCLUDING ACTIVITIES OF DAILY LIVING, LEVEL OF INTELLECTUAL FUNCTIONING, ADAPTIVE BEHAVIOR, EXPECTED RATE OF PROGRESS IN ACQUIRING SKILLS AND INFORMATION, AND LEARNING STYLE: Reading: A is slightly below the first grade benchmark, as he is reading at a level F according to the Fountas & Pinnell Reading assessment. According to his teacher, his peers are reading at a level G. A is able to read fluently, decode, and recognize sight words independently. However, A struggles to comprehend what he had read. While he can recall basic details, A has difficulty answering "wh" questions and inferencing. He is working on interpreting characters' feelings and choices in a story. A benefits from having opportunities to go back to the text and find evidence to support his thinking. Writing: A is performing below grade level when compared to his peers. A is able to form letters and numbers accurately, and writes on the line. However, A struggles with output. He often sees the paper and refuses to answer the prompt; as a result, A often does not fulfill the requirement of written assignments during the time allotted. A has a star-chart on which he can receive stars when he attempts to complete his work. Math: A is currently below 1st grade math benchmarks when compared to his peers. A is able to count to 100 by ones, however he is unable to count by 2s, 5s, and 10s. He is working on recognizing patterns to aid his counting, but he has difficulty skip-counting independently. He is also actively working on mastering his addition and subtraction facts so he can apply his strategies with greater ease; A has shown improvement in this area. A struggles to complete word problems, as he has difficulty deciphering what operation to perform in order to accurately solve the problem. A also is working on developing his base ten understanding; rather than using place value to represent as well as compose and decompose numbers. According to A SETSS provider, A is meeting expectations in reading. He is currently exceeding expectations in phonics instruction and is meeting interim benchmarks for his F&P level, reading at a level F/G. He reads fluently with high comprehension of grade appropriate texts. A is approaching expectations for his writing goals. He is able to write basic responses to books he has read independently but struggles with sustained focus on longer writing pieces. He needs to continue practicing re-reading and revising his work as he sometimes misses words in his first attempt. In math, A is currently below expectations. He is a very bright boy and thrives in small group settings, but his behavior in his homeroom often prevents him from receiving the small group time he is allotted. A

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has been successful in word problems he can draw basic representations for, especially basic multiplication. He continues to struggle with skip counting, base-ten mastery, and advanced problem types in number stories.

Speech: A presented as a pleasant child who established rapport with the evaluator. Aaden benefited from consistent positive praise, encouragement, breaks, and incentives to continue participation across the evaluation. A did however request more breaks and required longer breaks across the assessments. A benefits from significant 1:1 support to complete his tasks (e.g. when directions allowed for repetitions, A frequently required or requested them). Results from the CELF-5 indicate that is overall performing below average in areas of receptive and expressive language. Additionally, A below average presentation on his pragmatic profile in addition to his below average receptive and expressive language scores may influence his behaviors in the classroom.

STUDENT STRENGTHS, PREFERENCES, INTERESTS:

A enjoys practicing math, especially when he is able to use his hands and manipulate cubes/tiles to represent a math problem. A enjoys classes where he can move and be active, particularly dance and sports classes.

ACADEMIC, DEVELOPMENTAL AND FUNCTIONAL NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:

A benefits from small group instruction to help him stay on task and complete his work. Small groups help him brainstorm his thoughts so that he can then concentrate on output and representation. A also benefits from small group work so that he can receive more scaffold instruction and questioning in order to aid his comprehension and number sense.

Academic needs will be addressed by:
Integrated Co-teaching Services
Speech and Language Therapy

SOCIAL DEVELOPMENT

THE DEGREE (EXTENT) AND QUALITY OF THE STUDENT'S RELATIONSHIPS WITH PEERS AND ADULTS;
FEELINGS ABOUT SELF; AND SOCIAL ADJUSTMENT TO SCHOOL AND COMMUNITY ENVIRONMENTS:

Classroom: At times, A can present with challenging behaviors, such as refusing to do work or follow directions to avoid work. He will sometimes respond quickly to redirection when this occurs. However, A behavior can escalate when he is upset, presenting in various unsafe behaviors, such as throwing objects, hitting teachers, climbing on objects, and knocking over furniture. A has a behavior plan in which he can receive stars when he tries to complete work. A certain number of stars earn A a prize or special time with a teacher. A can also receive stars for choosing to calm down appropriately. Additionally, Aaden has a crises paraprofessional to help support him in the classroom.

Counseling: During individual sessions, A has been working on identifying uncomfortable feelings such as anger, frustration, and sadness and using various strategies to calm down when he is feeling upset. In the group setting, A has been participating in activities that require social skills such as turn taking, sharing, and being kind to peers. Since transitioning to his new school end of October, A has struggled to identify appropriate coping strategies when feeling upset. In counseling, he will often want to play a game of choice and at times, requires a lot of praise and redirection in order to keep him engaged in the activity. A enjoys the individualized attention, however he requires very clear and specific instruction for how each session will be conducted. At this point in time, he has learned 2-3 new strategies for calming himself down. In the classroom, A will at times implement one of these strategies after an adult has encouraged him to do so. However, he is still working towards achieving this goal on his own. In the group setting, A needs to continue to work on interacting with his peers in a positive manner and learn various conversational skills such as eye contact and turn-taking.

STUDENT STRENGTHS:

A is a sweet boy. He likes to share his likes and dislikes and to talk about games/shows he enjoys. He loves to play with toys and seeks out sensory stimulation, running around at recess and performing in dance class.

SOCIAL DEVELOPMENT NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:

A struggles to interact positively with his peers. He does, at times, need help conversationally, as he often has difficulty initiating conversations. A also will sometimes use unkind words towards other children in his class. However, A is eager to please and loves to share his thoughts and stories with his classmates. A also becomes frustrated when a peer receives a reward or gets picked to do something that he does not. A uses role-playing and practices coping-strategies in counseling to help address these skills.

Reportedly, A does not exhibit significant behavioral difficulties at home. He has a twin sister with whom he gets along with. Per parent, A presented with challenging behaviors at his previous school and was seen by an outside therapist at one point.

Social-emotional needs will be addressed by:
Counseling

PHYSICAL DEVELOPMENT

THE DEGREE (EXTENT) AND QUALITY OF THE STUDENT'S MOTOR AND SENSORY DEVELOPMENT, HEALTH,

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VITALITY AND PHYSICAL SKILLS OR LIMITATIONS WHICH PERTAIN TO THE LEARNING PROCESS:

Occupational Therapy 12/5/16:

Bruininks-Oseretsky Test of Motor Proficiency-2 (BOT-2, selected portions)

Fine Motor Precision: Point Score of 21, Scale Score of 10, 5:4 Age Equivalent

Fine Motor Integration: Point Score of 15, Scale Score of 8, 4:10 Age Equivalent

Fine Manual Control, Scale Score of 18, 8th Percentile

As measured during standardized testing as well as through observation, A: _____ underlying fine motor precision and integration are decreased. However, he is exhibiting functional management of classroom tools and materials including producing written work at a functional level for short tasks. The team should consider addition of Occupational Therapy services in support of the student's self-regulation, response to sensory input, social interaction, organization, and functional fine motor integration (as appropriate). Individual service would be most appropriate with an opportunity to utilize a peer model or a peer helper for social skill building. Facilitating opportunities for peer interaction would be beneficial after establishing skills in a therapeutic environment. In addition, completing self-regulation activities would be best addressed individually.

STUDENT STRENGTHS:

A: _____ participates in all daily physical activities with the class. He especially loves dancing and playing during recess.

PHYSICAL DEVELOPMENT NEEDS OF THE STUDENT, INCLUDING CONSIDERATION OF STUDENT NEEDS THAT ARE OF CONCERN TO THE PARENT:

A: _____ struggles to initiate and maintain appropriate eye contact. He also presents with sensory-seeking behaviors and requires many breaks throughout the day. A _____ shows stimming behaviors; he uses a sensory toy to help him with these needs. A _____ often complains that many noises or loud noises hurt his ears and make him feel overwhelmed.

A _____ often wears noise-cancelling headphones to help him stay calm.

According to parent, A _____ suffers from a blood disorder, which includes low iron levels, fatigue, and low frustration tolerance. He is prescribed medication to increase his iron buildup.

Physical needs will be addressed by:

Occupational Therapy

MANAGEMENT NEEDS

A: _____ benefits from small group instruction throughout the day, directions being repeated with the use of scaffolding when necessary, and encouragement during brainstorming sessions. A _____ also benefits from use of noise cancelling headphones, sensory toys, and regular breaks to address his sensory needs. A _____ continues to benefit from counseling to help him with his emotional and social needs. He is on a behavior plan (star chart) that reinforces positive calming behaviors and social interaction. A _____ also has a crises paraprofessional to help support him in the classroom. A _____ also benefits from the following: frequent check-ins during independent work and frequent praise, encouragement, and reinforcement.

EFFECT OF STUDENT NEEDS ON INVOLVEMENT AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM OR, FOR A PRESCHOOL STUDENT, EFFECT OF STUDENT NEEDS ON PARTICIPATION IN APPROPRIATE ACTIVITIES

A: _____ is able to participate in all aspects of the general education curriculum with support of recommended programs and services.

STUDENT NAME: A _____ G

NYC ID: _____

STUDENT NEEDS RELATING TO SPECIAL FACTORS

BASED ON THE IDENTIFICATION OF THE STUDENT'S NEEDS, THE COMMITTEE MUST CONSIDER WHETHER THE STUDENT NEEDS A PARTICULAR DEVICE OR SERVICE TO ADDRESS THE SPECIAL FACTORS AS INDICATED BELOW, AND IF SO, THE APPROPRIATE SECTION OF THE IEP MUST IDENTIFY THE PARTICULAR DEVICE OR SERVICE(S) NEEDED:

Does the student need strategies, including positive behavioral interventions, supports and other strategies to address behaviors that impede the student's learning or that of others? ☒ Yes ☐ No

Does the student need a behavioral intervention plan? ☐ No ☒ Yes At times, A _____ engages in a number of challenging behaviors that impede his learning as well as the learning of others.

For a student with limited English proficiency, does he need a special education service to address his language needs as they relate to the IEP? ☐ Yes ☐ No ☒ Not Applicable

For a student who is blind or visually impaired, does he need instruction in Braille and the use of Braille? ☐ Yes ☐ No

☒ Not Applicable

Does the student need a particular device or service to address his communication needs? ☐ Yes ☒ No
 In the case of a student who is deaf or hard of hearing, does the student need a particular device or service in consideration of the student's language and communication needs, opportunities for direct communications with peers and professional personnel in the student's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the student's language and communication mode?
☐ Yes ☐ No ☒ Not Applicable

Does the student need an assistive technology device and/or service? ☐ Yes ☒ No
 If yes, does the Committee recommend that the device(s) be used in the student's home? ☐ Yes ☐ No

STUDENT NAME: A G NYC ID:

BEGINNING NOT LATER THAN THE FIRST IEP TO BE IN EFFECT WHEN THE STUDENT IS AGE 15 (AND AT A YOUNGER AGE IF DETERMINED APPROPRIATE)

MEASURABLE POSTSECONDARY GOALS

LONG-TERM GOALS FOR LIVING, WORKING AND LEARNING AS AN ADULT

EDUCATION/TRAINING:
 EMPLOYMENT:
 INDEPENDENT LIVING SKILLS (WHEN APPROPRIATE):
 TRANSITION NEEDS

In consideration of present levels of performance, transition service needs of the student that focus on the student's courses of study, taking into account the student's strengths, preferences and interests as they relate to transition from school to post-school activities:

STUDENT NAME: A G NYC ID:

MEASURABLE ANNUAL GOALS			
THE FOLLOWING GOALS ARE RECOMMENDED TO ENABLE THE STUDENT TO BE INVOLVED IN AND PROGRESS IN THE GENERAL EDUCATION CURRICULUM, ADDRESS OTHER EDUCATIONAL NEEDS THAT RESULT FROM THE STUDENT'S DISABILITY, AND PREPARE THE STUDENT TO MEET HIS/HER POSTSECONDARY GOALS.			
ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
OT: With minimal verbal prompts, A: will identify three classroom-appropriate strategies for self-regulation and will utilize these tools/techniques in order to decrease his time out of class due to reported feelings of being overwhelmed/anxious by 20% from baseline.	4/5 Trials	Teacher/Provider Observation	1 time per trimester
ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
OT: A: will utilize a sensory diet (as appropriate per treating therapist) and will participate in scheduled sensory-motor input or self-regulation activities on a daily basis (in 20 minute intervals) to increase his attention to task for seated activities 20% from baseline.	4/5 Trials	Teacher/Provider Observation	1 time per trimester

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ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
OT: A will utilize a social story, script, or other tool and will successfully initiate a less-preferred activity (targeted activity dependent on teacher input) on a daily basis with minimal cues (two or fewer) beyond class instruction.	4/5 Trials	Teacher/Provider Observation	1 time per trimester

ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
OT: A will improve his ability to produce written work with good legibility and increased speed, copying from a rough draft at the rate of 25+ letters per minute on a five minute sample.	4/5 Trials	Teacher/Provider Observation	1 time per trimester

ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Speech: Within one year, when provided with verbal and visual prompting, A will increase his receptive language in order to follow multi-step directions in the classroom and increase listening comprehension skills in order to demonstrate understanding of the central message or lesson, key details, and sequential story elements.	80% Accuracy	Teacher/Provider Observation	1 time per trimester

ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Speech: Within one year, when provided with verbal and visual prompting, A will increase his expressive language skills through improving his ability to provide appropriate responses to questions following a listening task.	80% Accuracy	Teacher/Provider Observation	1 time per trimester

ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Speech: Within one year, when provided with scripts, direct teaching, and role playing activities, A will increase his pragmatic communication skills by decreasing unexpected behaviors (e.g. hitting, crawling under desk),	80% Accuracy	Teacher/Provider Observation	1 time per trimester

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increasing his ability to initiate and maintain appropriate topics of conversation including conflict resolution.			
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ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Math: Within one year, A will master grade-level concepts, including skip counting by 2s, 5s, and 10s, use base-ten strategies to solve grade-level math problems, and develop strong number sense for arithmetic concepts. When presented with a word problem, A will be able to identify which operation to use to correctly solve the problem.	80% Accuracy	Teacher/Provider Observation	1 time per trimester

ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Writing: Within one year, A will be able to write clear, organized, written responses using complete sentences and appropriate punctuation.	80% Accuracy	Teacher/Provider Observation	1 time per trimester

ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Reading: Within one year, A will be meet or exceed the end of year benchmark by reading at a level J or higher, according to the Fountas & Pinnell reading assessment. A will be able to fluently decode words and comprehend the text as evidenced by his response to "wh" questions.	80% Accuracy	Teacher/Provider Observation	1 time per trimester

ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Counseling: Within one year, with the support of counseling, direct modeling, and practice, A will improve his ability to express his feelings. When frustrated or angry due to disappointments or redirection/correction by adults he will identify and demonstrate at least two coping strategies (such as squeezing a stress ball, taking deep breaths, or asking for a break). Then he will calmly explain what is bothering him.	80% Accuracy	Teacher/Provider Observation	1 time per trimester

	CRITERIA		
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ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Counseling: Within one year, A will be able to respond appropriately to various scenarios including difficult situations and conflicts with peers.	80% Accuracy	Teacher/Provider Observation	1 time per trimester

ANNUAL GOALS WHAT THE STUDENT WILL BE EXPECTED TO ACHIEVE BY THE END OF THE YEAR IN WHICH THE IEP IS IN EFFECT	CRITERIA MEASURE TO DETERMINE IF GOAL HAS BEEN ACHIEVED	METHOD HOW PROGRESS WILL BE MEASURED	SCHEDULE WHEN PROGRESS WILL BE MEASURED
Counseling: Within one year, A will be able to appropriately initiate and maintain conversations with peers.	80% Accuracy	Teacher/Provider Observation	1 time per trimester

STUDENT NAME: A G

NYC ID:

REPORTING PROGRESS TO PARENTS
Identify when periodic reports on the student's progress toward meeting the annual goals will be provided to the student's parents: at the same time school report cards are issued

STUDENT NAME: A G

NYC ID:

RECOMMENDED SPECIAL EDUCATION PROGRAMS AND SERVICES					
SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS	FREQUENCY HOW OFTEN PROVIDED	DURATION LENGTH OF SESSION	LOCATION WHERE SERVICE WILL BE PROVIDED	PROJECTED BEGINNING / SERVICE DATE(S)
SPECIAL EDUCATION PROGRAM:					
Integrated Co-Teaching Services ELA	Language of Service: English	15 time(s) per week	Period	General Education Classroom	01/10/2017
Integrated Co-Teaching Services Math	Language of Service: English	10 time(s) per week	Period	General Education Classroom	01/10/2017
RELATED SERVICES:					
Counseling Services	Individual service Language of Service: English	1 time(s) per week	30 minutes	Separate Location Provider's Location - Flexible	01/10/2017
Counseling Services	Group of 3 Language of Service: English	1 time(s) per week	30 minutes	Separate Location Provider's Location - Flexible	01/10/2017
Occupational Therapy	Individual service	2 time(s) per week	30 minutes	Separate Location	01/10/2017

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Speech-Language Therapy	Language of Service: English Group of 3 Language of Service: English	1 time(s) per week	30 minutes	Provider's Location - Flexible Separate Location Provider's Location - Flexible	01/10/2017
SUPPLEMENTARY AIDS AND SERVICES/PROGRAM MODIFICATIONS/ACCOMMODATIONS:					
Paraprofessional Crisis Management	Individual service	Daily	Full time		01/10/2017
ASSISTIVE TECHNOLOGY DEVICES AND/OR SERVICES:					
SUPPORTS FOR SCHOOL PERSONNEL ON BEHALF OF THE STUDENT:					
* Identify, if applicable, class size (maximum student-to-staff ratio), language if other than English, group or individual services, direct and/or indirect consultant teacher services or other service delivery recommendations.					

STUDENT NAME: A G. NYC ID:

12-MONTH SERVICE AND/OR PROGRAM - Student is eligible to receive special education services and/or program during July/August: ☒ No ☐ Yes

If yes:

* ☐ Student will receive the same special education program/services as recommended above.
 OR
☐ Student will receive the following special education program/services:

SPECIAL EDUCATION PROGRAM/SERVICES	SERVICE DELIVERY RECOMMENDATIONS	FREQUENCY	DURATION	LOCATION	PROJECTED BEGINNING / SERVICE DATE(S)

For a preschool student, reason(s) the child requires services during July and August:

STUDENT NAME: A G. NYC ID:

TESTING ACCOMMODATIONS (TO BE COMPLETED FOR PRESCHOOL CHILDREN ONLY IF THERE IS AN ASSESSMENT PROGRAM FOR NONDISABLED PRESCHOOL CHILDREN): INDIVIDUAL TESTING ACCOMMODATIONS, SPECIFIC TO THE STUDENT'S DISABILITY AND NEEDS, TO BE USED CONSISTENTLY BY THE STUDENT IN THE RECOMMENDED EDUCATIONAL PROGRAM AND IN THE ADMINISTRATION OF DISTRICT-WIDE ASSESSMENTS OF STUDENT ACHIEVEMENT AND, IN ACCORDANCE WITH DEPARTMENT POLICY, STATE ASSESSMENTS OF STUDENT ACHIEVEMENT.

TESTING ACCOMMODATIONS	CONDITIONS*	IMPLEMENTATION RECOMMENDATIONS**

☐ NONE

*Conditions — Test Characteristics: Describe the type, length, purpose of the test upon which the use of testing accommodations is conditioned, if applicable.

**Implementation Recommendations: Identify the amount of extended time, type of setting, etc., specific to the testing accommodations, if applicable.

STUDENT NAME: A G NYC ID:

BEGINNING NOT LATER THAN THE FIRST IEP TO BE IN EFFECT WHEN THE STUDENT IS AGE 15 (AND AT A YOUNGER AGE, IF DETERMINED APPROPRIATE).

COORDINATED SET OF TRANSITION ACTIVITIES		
NEEDED ACTIVITIES TO FACILITATE THE STUDENT'S MOVEMENT FROM SCHOOL TO POST-SCHOOL ACTIVITIES	SERVICE/ACTIVITY	SCHOOL DISTRICT/AGENCY RESPONSIBLE
Instruction		
Related Services		
Community Experiences		
Development of Employment and Other Post-school Adult Living Objectives		
Acquisition of Daily Living Skills (if applicable)		
Functional Vocational Assessment (if applicable)		

STUDENT NAME: A G NYC ID:

PARTICIPATE IN STATE AND DISTRICT-WIDE ASSESSMENTS
 (TO BE COMPLETED FOR PRESCHOOL STUDENTS ONLY IF THERE IS AN ASSESSMENT PROGRAM FOR NONDISABLED PRESCHOOL STUDENTS)

☒ The student will participate in the same State and district-wide assessments of student achievement that are administered to general education students.

☐ The student will participate in an alternate assessment on a particular State or district-wide assessment of student achievement.

STUDENT NAME: A G NYC ID:

PARTICIPATION WITH STUDENTS WITHOUT DISABILITIES

REMOVAL FROM THE GENERAL EDUCATION ENVIRONMENT OCCURS ONLY WHEN THE NATURE OR SEVERITY OF THE DISABILITY IS SUCH THAT, EVEN WITH THE USE OF SUPPLEMENTARY AIDS AND SERVICES, EDUCATION CANNOT BE SATISFACTORILY ACHIEVED.

FOR THE PRESCHOOL STUDENT:

Explain the extent, if any, to which the student will not participate in appropriate activities with age-appropriate nondisabled peers (e.g., percent of the school day and/or specify particular activities):

FOR THE SCHOOL-AGE STUDENT:

Explain the extent, if any, to which the student will not participate in regular class, extracurricular and other nonacademic activities (e.g., percent of the school day and/or specify particular activities):

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Full participation with recommended programs and services.

If the student is not participating in a regular physical education program, identify the extent to which the student will participate in specially-designed instruction in physical education, including adapted physical education:

EXEMPTION FROM LANGUAGE OTHER THAN ENGLISH DIPLOMA REQUIREMENT:

☐ No ☐ Yes - The Committee has determined that the student's disability adversely affects his/her ability to learn a language and recommends the student be exempt from the language other than English requirement.

STUDENT NAME: A G

NYC ID:

SPECIAL TRANSPORTATION

TRANSPORTATION RECOMMENDATION TO ADDRESS NEEDS OF THE STUDENT RELATING TO HIS/HER DISABILITY

☒ None.

☐ Student needs special transportation accommodations/services as follows:

☐ Student needs transportation to and from special classes or programs at another site:

PLACEMENT RECOMMENDATION

NYC DOE School Non-Specialized (District 1-32)

SUMMARY

STUDENT INFORMATION

Student Name: A G

NYC ID:

DOB: 2010

Gender: Male

Parents Language(s) Spoken/Mode Communication: English

IEP INFORMATION

Date of IEP Meeting: 12/20/2016

IEP Amendment: ☐ Yes ☒ No

Reconvene of IEP Meeting: ☐ Yes ☒ No

INSTRUCTIONAL/FUNCTIONAL LEVELS

Reading: 1st Grade

Math: Kindergarten

SUMMARY OF RECOMMENDATIONS

Classification of Disability: Other Health Impairment

Recommended Services:

Special Education Programs

Integrated Co-Teaching Services

English

Integrated Co-Teaching Services

English

Related Services

Counseling Services

English

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Counseling Services Speech-Language Therapy Occupational Therapy	English English English
12-Month Services: The student will participate in the same State and district-wide assessments of student achievement that are administered to general education students.	
Does A have a Behavioral Intervention Plan? Yes	
Recommended for Specialized Transportation: <input checked="" type="checkbox"/> None <input type="checkbox"/> Student needs specialized transportation	
School Type: NYC DOE School Non-Specialized (District 1-32)	
Medical Alert: The student has <input type="checkbox"/> medical conditions and/or <input type="checkbox"/> physical limitations which affect his <input type="checkbox"/> learning, <input type="checkbox"/> behavior and/or <input type="checkbox"/> participation in school activities.	
The student requires <input type="checkbox"/> medical and/or <input type="checkbox"/> health care treatment(s) or procedure(s) during the school day.	
PROMOTION CRITERIA	
CURRENT YEAR	
<input type="checkbox"/> Standard <input type="checkbox"/> Modified	
NEXT YEAR	
<input type="checkbox"/> Standard <input type="checkbox"/> Modified	
Parent Concerns:	
OTHER OPTIONS CONSIDERED	
General Education Related Services Only Special Education Teacher Support Services Special Class in a community school 12:1+1	
Reason(s) for Rejection: Special Education Teacher Support Services with counseling is no longer sufficient to address A academic, social-emotional, and behavioral needs. A needs can be met with Integrated Co-teaching Services, Speech and Language Therapy, Occupational Therapy, and the continuation of Counseling. A Special Class 12:1:1 setting was considered to be too restrictive at this time.	

STUDENT NAME: A G NYC ID:
 DATE OF IEP: 12/20/2016

ATTENDANCE PAGE		
PLEASE NOTE THAT YOUR SIGNATURE REFLECTS YOUR PARTICIPATION AT THE CONFERENCE AND DOES NOT NECESSARILY INDICATE AGREEMENT WITH THE INDIVIDUALIZED EDUCATION PROGRAM.		
ROLE (INDICATE IF BILINGUAL)	NAME	SIGNATURE
Related Service Provider/Special Education Teacher		
Parent/Legal Guardian	Kim Patrick	
District Representative	Nicole Fanelli	
Social Worker	Caron Reilly	

1-11

Education Manager. Success Academy	Sarah Backal-balik	
Other:		
Other:		

12-23-'16 10:10 FROM-
Individualized Education Program (IEP) for A

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STUDENT NAME: A G
DATE OF IEP: 12/20/2016

NYC ID:

ATTENDANCE PAGE		
PLEASE NOTE THAT YOUR SIGNATURE REFLECTS YOUR PARTICIPATION AT THE CONFERENCE AND DOES NOT NECESSARILY INDICATE AGREEMENT WITH THE INDIVIDUALIZED EDUCATION PROGRAM.		
ROLE (INDICATE IF BILINGUAL)	NAME	SIGNATURE
Related Service Provider/Special Education Teacher		<i>S. Backal-Balik</i>
Parent/Legal Guardian	Kim Patrick	<i>Kim Patrick</i>
District Representative	Nicole Fanelli	<i>Nicole Fanelli</i>
Social Worker	Caron Reilly	<i>Caron A. Reilly, LMSW</i>
Education Manager, Success Academy	Sarah Backal-balik	<i>S. Backal-Balik</i>
Other:	Sydney Chernoff	<i>Sydney Chernoff</i>
Other: SA Special Education Manager	Elyssa Iagnocco	<i>Elyssa Iagnocco</i>
Other: General Education Teacher	Rachel Ross	<i>Rachel Ross</i>

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T-301 P0010/0021 F-946

**Behavior Intervention Plan**

Date: 9/22/16

Student Name: A G OSIS #: Age: 6 years, 7 months Date of Birth: 2010

School: KIPP AMP Elementary School Teacher/Class: Clark Atlanta University Grade: 1st**Identify/Define Target Problem Behavior(s) (From FBA):**

NYS Regulation: [200.22 (b) (4)]

1. Disruptive behavior - running/jumping; throwing body; calling out; crying
2. Dangerous behavior - hitting/throwing objects; hitting classmates and adults

Baseline Measure of the Target Problem Behavior(s) (From FBA):

NYS Regulation: [200.22(b)(4)(i)]

Include frequency, duration, intensity and/or latency of the targeted problem behavior(s).

Across numerous times of the day and throughout various settings within school, A is reported to engage in disruptive behavior (e.g. running/jumping; throwing body; calling out; crying) and dangerous behavior (e.g. hitting/throwing objects; hitting classmates and adults). Upon direct observation of A, it was noted that he engaged in disruptive behavior an average of 4 times per day and dangerous behavior an average of 2 times per day, with intensity and duration ranging from low to high.

Functional Hypothesis (From FBA):

NYS Regulation: [200.1(mmm)]

Setting Events (Conditions that increase likelihood of behavior(s))	Antecedent (What occurs before?)	Target Problem Behavior(s) (Observable/Measurable)	Maintaining Consequence/ Function (What happens after? What does student get and/or avoid?)
A is most likely to engage in problematic behavior when he is charged with academic demands and does not receive 1:1 support, especially when he is in a large group setting. Additionally, when A is required to sit still for extended periods of time (more than 15 minutes), he is also	<ul style="list-style-type: none"> - Non-preferred activities - Multistep work/projects - Tasks that are difficult or confusing - Being told No - Being teased or joked around with - When given a direction to follow - When corrected - Being held to time limits (i.e. unable to finish work) 	<ol style="list-style-type: none"> 1. Disruptive behavior - running/jumping; throwing body; calling out; crying 2. Dangerous behavior - hitting/throwing objects; hitting classmates and adults 	Consequence: <ul style="list-style-type: none"> - Private verbal correction or reminder - Scaffolding/helping A get back on task - Someone speaks with the student to explain and discuss what they did wrong - A is encouraged to take a break - Someone takes a privilege or free time away from

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Setting Events (Conditions that increase likelihood of behavior(s))	Antecedent (What occurs before?)	Target Problem Behavior(s) (Observable/Measurable)	Maintaining Consequence/ Function (What happens after? What does student get and/or avoid?)
more likely to present with challenging behaviors. It should be noted that most recent psychoeducational assessment estimates that A overall cognitive abilities fall in the Very Low range and that his standardized academic abilities consistently fall in the Below Average range. Additionally, his skills related to social interaction, emotional regulation, cognitive style and speech are also reported to be challenged, likely influencing his behavior in school when socialization, emotional regulation, cognitive flexibility and receptive/expressive language are needed.	<ul style="list-style-type: none"> - Getting the wrong answer - Being given an ultimatum or reminder of the expectation 		<p>the student</p> <p>Function (Get and/or Avoid):</p> <ul style="list-style-type: none"> -Avoids tasks that demand skills, which Aaden has not yet developed (e.g., those related to executive functioning, emotional regulation, cognitive flexibility and socialization) -Avoids difficult tasks and non-preferred activities

Statement of Functional Hypothesis (From FBA):

Narrative that describes the function of the targeted problem behavior(s) (functional hypothesis) based on the data. Functional statement reads:

Across numerous times of the day and throughout various settings within school, A is reported to engage in disruptive behavior (e.g. running/jumping; throwing body; calling out; crying) and dangerous behavior (e.g. hitting/throwing objects; hitting classmates and adults). Upon direct observation of A, it was noted that he engaged in disruptive behavior an average of 4 times per day and dangerous behavior an average of 2 times per day, with intensity and duration ranging from low to high. It is hypothesized that A engagement in these behaviors is attributable to his minimally developed executive functioning skills, which can aide in one's ability to easily transition, consider consequences, manage impulsivity and focus attention

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Additionally, it is hypothesized that Aaden has not yet developed the emotional regulation skills, which aide in one's ability to think logically when frustrated, as well as manage feelings of disappointment in an age-appropriate manner, nor has he developed the socialization and cognitive flexibility skills, which could support him in school. Aaden's tendency to engage in disruptive and dangerous behaviors appears most likely to occur when task demands exceed his overall abilities in the moment.

Global/Broad Influences Related to Targeted Problem Behavior(s) (Setting Events) (From FBA):

NYS Regulation: [200.1(r) and 200.22 (a) (3)]

Using Indirect and Direct Data sources, summarize the global/broad influencing factors (including cognitive, social, sensory, affective factors) that relate to the problem behavior(s). Influences can be student's skills, health/medical, daily routines, relationships, recent or ongoing events in the student's life, etc.

Influencing Factors (Setting Events) that Increase Likelihood of Problem Behavior(s)	Aaden is most likely to engage in problematic behavior when he is charged with academic demands and does not receive 1:1 support, especially when he is in a large group setting. Additionally, when Aaden is required to sit still for extended periods of time (more than 15 minutes), he is also more likely to present with challenging behaviors. It should be noted that most recent psychoeducational assessment estimates that Aaden's overall cognitive abilities fall in the Very Low range and that his standardized academic abilities consistently fall in the Below Average range. Additionally, his skills related to social interaction, emotional regulation, cognitive style and speech are also reported to be challenged, likely influencing his behavior in school when socialization, emotional regulation, cognitive flexibility and receptive/expressive language are needed.
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Intervention Strategies:

NYS Regulation: [200.22 (b) (4) (ii), 200.1(mmm)]

(What, where, when, how) must be developed BASED ON THE FUNCTIONAL HYPOTHESIS within the FBA.

Include strategies to alter the setting events and antecedents to prevent the targeted problem behavior(s) as well as strategies to alter the consequences that currently maintain the targeted problem behavior(s). Include strategies that will be used to teach alternative and replacement behaviors that serve the same function as the targeted problem behavior(s) while building skills that will make the targeted problem behavior(s) no longer necessary.

Setting Event Strategies	Antecedent Strategies	Behavior Teaching Strategies	Consequence Strategies
How will you neutralize or prevent setting events? -Aaden will have opportunities for regular daily check-ins with his teacher, and/or another adult of his choosing	How will you change the environment to reduce triggers for problem behavior(s) and increase success of new behavior(s)? -Academic work will be differentiated and reduced in quantity when	Replacement Behaviors: -Aaden will ask for a break in his space within the classroom or to get water or go for a walk, which aligns with a pre-determined plan when he is frustrated or overwhelmed	Response after new behavior(s) occur (increase reinforcer): -Positive phone call to someone Aaden chooses -Aaden should be given a high level of verbal

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Setting Event Strategies	Antecedent Strategies	Behavior Teaching Strategies	Consequence Strategies
<p>-A should have preferential seating on the rug with the potential to have more than one rug square when possible</p> <p>-Continue strategic seating so that students who often trigger A are not in his immediate environment</p>	<p>appropriate, so that A is left with unfinished work less often</p> <p>-Teacher should aim to involve A in group discussion or independent work through positive encouragement and engagement as opposed to negative re-direction or correction</p> <p>-Any time that A raises his hand and it is not possible to call on him, teachers should always acknowledge his attentive behavior and indicate when he will be called on next. His ability to wait should also be publically praised and encouraged.</p>	<p>-A will discuss/problem-solve school-based expectations that he does not understand with adult support</p> <p>How will you teach new behaviors?</p> <p>-Teachers/administrators will create opportunities for problem solving conversations so that A can build skills related to perspective taking and frustration tolerance</p>	<p>praise for all on-task behaviors. He should be asked to answer questions that he is sure to know the answer to and enthusiastically praised for correct answers.</p> <p>-A will be provided with opportunities such as choice time or a dance party.</p> <p>Response after problem behavior(s) occur (reduce reinforcer):</p> <p>-De-escalate and re-assure by reflecting empathy and understanding (e.g. reflective listening) with a calm and soft tone of voice</p> <p>- Give A space and time to calm down</p> <p>-Provide visual menu of choices when A is frustrated (e.g. deep breathing; monitored use of a squeeze ball; peace journaling) and establish safety plan for moments of dysregulation</p>

Progress Monitoring:

NYS Regulation: [200.22 (b) (5), [200.22(b)(4)(iii)]]

Provide a schedule by which the effectiveness of the interventions/strategies will be measured.

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Please note: The results of the progress monitoring must be documented and reported to the student's parents and to the CSE or CPSE and must be considered in any determination to revise a student's behavioral intervention plan or IEP.

Progress monitoring data must include the frequency, duration, intensity, and/or latency of the targeted problem behavior(s) as well measurement of the alternative/replacement behavior(s).

Progress Monitoring Schedule must include:

- Specific behavior(s) being monitored (targeted problem behavior(s) & alternative/replacement behavior(s))
- Intervals at which data will be collected
- Who is responsible for data collection
- Tools/data collection methods that will be used

The team identified in this plan should meet to analyze data and evaluate the BIP no later than 2 weeks after initiation of the plan. Thereafter, the schedule to measure effectiveness of the BIP will be followed as specified below.

Schedule to Measure Effectiveness of Interventions. Indicate interval below (e.g., weekly, every 2 weeks, etc.)	Baseline Data of Problem Behavior(s) (e.g., frequency, duration, intensity and/or latency)	Data on Problem Behavior(s) after implementation of BIP for the specified interval. (e.g., frequency, duration, intensity and/or latency)	Person Responsible
Interval: Every 8 weeks Start Date: 09/15/16 End Date: 11/15/16	1. <u>Disruptive behavior</u> - running/jumping; throwing body; calling out; crying <i>(4 times per day)</i> 2. <u>Dangerous behavior</u> - hitting/throwing objects; hitting classmates and adults <i>(2 times per day)</i>		Shayla Riddick

Schedule to Measure Effectiveness of Interventions. Indicate interval below (e.g., weekly, every 2 weeks, etc.)	Alternative/Replacement Behavior(s)	Data on Alternative Behavior(s) after implementation of BIP for the specified interval. (e.g., frequency, duration, intensity and/or latency)	Person Responsible
Interval: Every 8 weeks	-A: will ask for a break in his space within the classroom or to		Shayla Riddick

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Schedule to Measure Effectiveness of Interventions. Indicate interval below (e.g., weekly, every 2 weeks, etc.)	Alternative/Replacement Behavior(s)	Data on Alternative Behavior(s) after implementation of BIP for the specified interval. (e.g., frequency, duration, intensity and/or latency)	Person Responsible
Start Date: 09/15/16 End Date: 11/15/16	get water or go for a walk, which aligns with a pre-determined plan when he is frustrated or overwhelmed -A will discuss/problem-solve school-based expectations that he does not understand with adult support		

Staff who participated in BIP development:

Print Name	Title/Position	Signature
Sabrina Charles	Classroom Teacher	
Jasmine Ellison-Moody	Classroom Teacher	
Jonathan Carrington	Dean of First Grade	
Abigail Smith	School Psychologist	
Shayla Riddick	Special Education Coordinator	

Plan Review Date: 11/15/16

Review Meeting

Date: Click arrow to enter a date.

Continue plan? ☐ Y ☐ N Rationale: Click here to enter text.Modify plan? ☐ Y ☐ N Rationale: Click here to enter text.

If "yes", the team as identified in this BIP must meet to modify the plan and send the updated plan to the parent.

Meeting Participants:

Print Name	Title	Signature
Click here to enter text.	Click here to enter text.	Click here to enter text.
Click here to enter text.	Click here to enter text.	Click here to enter text.

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Functional Behavioral Assessment

Date: 9/22/16

Student Name: A G OSIS #: Age: 6 years, 7 months Date of Birth:

School: KIPP AMP Elementary School Teacher/Class: Clark Atlanta University Grade: 1st

Identify school staff who participated in the FBA team process:

Print Name	Title/Position	Signature
Sabrina Charles	Classroom Teacher	
Jasmine Ellison-Moody	Classroom Teacher	
Jonathan Carrington	Dean of First Grade	
Abigail Smith	School Psychologist	
Shayla Riddick	Special Education Coordinator	

Identify and Define the Targeted Problem Behavior(s):

NYS Regulation: [200.1(r)]

Identify the Problem Behavior(s) to be targeted and define the behavior(s) in observable/ measurable, and concrete terms.

1. Disruptive behavior - running/jumping; throwing body; calling out; crying
2. Dangerous behavior - hitting/throwing objects; hitting classmates and adults

List of Direct and Indirect Data sources used to identify and support functional hypothesis:

NYS Regulation: [200.22 (a) (2)]

- Teacher Interviews and anecdotal notes
- Frequency Data Collection

Indirect Data (Check all that apply *and* attach): The sections in bold must be checked and submitted.

- ☐ Student interviews (information from the student)
- ☐ Parent interviews (including relevant history and current status)
- ☒ Staff interviews (including teachers, paraprofessionals, related service providers, and possibly other relevant staff such as cafeteria, bus, custodial, office staff)
- ☐ Information from the IEP Present Level of Performance
- ☐ Surveys or questionnaires specific to behavior(s)
- ☒ Student records review (including current school status)
- ☒ Summary of the results of Psychological/Psychiatric Evaluations (must check and submit if student recommended and/or receiving counseling)
- ☐ Medical Information
- ☐ Testing data

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- ☐ Attendance data
- ☐ Office Discipline Referrals received (OORS report)
- ☐ Other information provided by the parent – Specify

Direct Data (Check all that apply and attach): (Gathered from direct observation across multiple settings, by more than one member of the team identified above.) The most relevant and appropriate documentation must be attached, and data measures, including Frequency, Duration, Intensity and Latency must be considered.

- ☐ ABC Charts (to include activities, locations, settings, people, times of day data)
- ☒ Frequency Charts
- ☐ Duration Charts
- ☐ Interval Charts
- ☐ Latency documentation
- ☒ Assessment of Student Preferences (Required)
- ☐ Other – Specify

Global/Broad Influences Related to Targeted Problem Behavior(s) (Setting Events):

NYS Regulation: [200.1(r) and 200.22 (a) (3)]

Using Indirect and Direct Data sources summarize the global/broad influencing factors (including cognitive, social, sensory, affective factors) that relate to the problem behavior(s). Influences can be student's skills, health/medical, daily routines, relationships, recent or ongoing events in the student's life, etc.

Influencing Factors (Setting Events) that Increase Likelihood of Problem Behavior(s)	A is most likely to engage in problematic behavior when he is charged with academic demands and does not receive 1:1 support, especially when he is in a large group setting. Additionally, when A is required to sit still for extended periods of time (more than 15 minutes), he is also more likely to present with challenging behaviors. It should be noted that most recent psychoeducational assessment estimates that A : overall cognitive abilities fall in the Very Low range and that his standardized academic abilities consistently fall in the Below Average range. Additionally, his skills related to social interaction, emotional regulation, cognitive style and speech are also reported to be challenged, likely influencing his behavior in school when socialization, emotional regulation, cognitive flexibility and receptive/expressive language are needed.
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Description of Antecedent(s)

NYS Regulation: [200.1(r) and 200.22 (a) (3)]

What occurs before and triggers the Targeted Problem Behavior(s)?

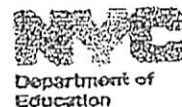
- Situations/activities/people that seem to trigger the Targeted Problem Behavior(s)
 - Non-preferred activities
 - Multistep work/projects

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- Tasks that are difficult or confusing
- Times of the school day when the behavior(s) most often occurs
 - Behavior(s) occur throughout the school day
- Events or conditions that immediately precede inappropriate behavior(s)
 - Being told No
 - Being teased or joked around with
 - When given a direction to follow
 - When corrected
 - Being held to time limits (i.e. unable to finish work)
 - Getting the wrong answer
 - Being given an ultimatum or reminder of the expectation

- | | |
|--|--|
| <input checked="" type="checkbox"/> Demand or request to student | <input checked="" type="checkbox"/> Difficult task |
| <input checked="" type="checkbox"/> Non-preferred activity | <input checked="" type="checkbox"/> Non-preferred social interaction |
| <input type="checkbox"/> Transition from preferred to non-preferred activity | <input checked="" type="checkbox"/> Changes in schedule or routine |
| <input type="checkbox"/> Other | |

Description of Consequence(s)

NYS Regulation: [200.1(r) and 200.22 (a) (3)]

Describe the consequence – What occurs after the Targeted Problem Behavior(s) that helps maintain the Behavior(s)? Include adult/peer responses, and observable events in the immediate environment (e.g., as related to the task/activity).

- Private verbal correction or reminder
- Scaffolding/helping A get back on task
- Someone speaks with the student to explain and discuss what they did wrong
- A is encouraged to take a break
- Someone takes a privilege or free time away from the student

Function of the Behavior(s):

NYS Regulation: 200.22 (a) (3)

The student GETS/GAINS WHAT:

- | | |
|---|---|
| <input type="checkbox"/> Teacher/Adult Attention Click here to enter text. | <input type="checkbox"/> Peer Attention Click here to enter text. |
| <input checked="" type="checkbox"/> Sensory/Stimulation Click here to enter text. | <input checked="" type="checkbox"/> Tangible/Preferred Activity Click here to enter text. |
| <input type="checkbox"/> Other | |

The student AVOIDS/ESCAPES WHAT:

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- ☐ Teacher/Adult Attention Click here to enter text. ☐ Peer Attention Click here to enter text.
- ☐ Sensory/Stimulation Click here to enter text. ☒ Non-Preferred Activity/Task Click here to enter text.
- ☒ A Difficult Task Click here to enter text.
- ☒ Other – A avoids tasks that demand skills, which he has not yet developed (e.g., those related to attention, working memory, socialization, self-regulation and cognitive flexibility.)

Skill/Performance Deficits Related to Problem Behavior(s):

NYS Regulation: [200.1(r) and 200.22 (a) (2)]

List skill and/or performance deficits related to Targeted Problem Behavior(s). A skill-based deficit is when a student does not know how to perform a certain task. A performance-based deficit exists when a student knows how perform the skill but does not perform it at the desired level.

Skill deficits related to:

- Staying with tasks requiring sustained attention
- Transitioning and sequencing
- Attention and focus
- Reflecting on multiple thoughts at one time
- Ignoring irrelevant noise, people, stimuli
- Anticipating consequences
- Thinking rationally even when frustrated
- Managing, irritability, anxiety or disappointment in an age-appropriate way
- Considering wide range of solutions
- Taking situational factors into account
- Handling unpredictability, ambiguity, uncertainty
- Deviations from rules and original plans
- Empathizing/Understanding how behavior influences and/or is perceived by others
- Adjusting arousal level to meet the demands of a situation
- Seeking attention in appropriate ways

Baseline Data:

NYS Regulation: [200.22 (a) (3)]

Using the contextual information above, provide a narrative data description with regard to the frequency, duration, intensity and/or latency of the Targeted Problem Behavior(s) across activities, settings, people, and times

Across numerous times of the day and throughout various settings within school, A is reported to engage in disruptive behavior (e.g. running/jumping; throwing body; calling out; crying) and dangerous behavior (e.g. hitting/throwing objects; hitting classmates and adults). Upon direct observation of A, it was noted that he engaged in disruptive behavior an average of 4 times per day and dangerous behavior an average of 2 times per day, with intensity and duration ranging from low to high.

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Diagram the Functional Hypothesis: New York State Regulation: [200.1(r)]

Setting Events (Conditions that increase likelihood of behavior(s))	Antecedent (What occurs before?)	Target Problem Behavior(s) (Observable/Measurable)	Maintaining Consequence/ Function (What happens after? What does student get and/or avoid?)
<p>A is most likely to engage in problematic behavior when he is charged with academic demands and does not receive 1:1 support, especially when he is in a large group setting. Additionally, when A is required to sit still for extended periods of time (more than 15 minutes), he is also more likely to present with challenging behaviors. It should be noted that most recent psychoeducational assessment estimates that A overall cognitive abilities fall in the Very Low range and that his standardized academic abilities consistently fall in the Below Average range. Additionally, his skills related to social interaction, emotional regulation, cognitive style and speech are also reported to be challenged, likely influencing his behavior in school when socialization, emotional regulation, cognitive flexibility and receptive/expressive</p>	<ul style="list-style-type: none"> - Non-preferred activities - Multistep work/projects - Tasks that are difficult or confusing - Being told No - Being teased or joked around with - When given a direction to follow - When corrected - Being held to time limits (i.e. unable to finish work) - Getting the wrong answer - Being given an ultimatum or reminder of the expectation 	<ol style="list-style-type: none"> 1. Disruptive behavior - running/jumping; throwing body; calling out; crying 2. Dangerous behavior - hitting/throwing objects; hitting classmates and adults 	<p>Consequence:</p> <ul style="list-style-type: none"> - Private verbal correction or reminder - Scaffolding/helping. A get back on task - Someone speaks with the student to explain and discuss what they did wrong - A is encouraged to take a break - Someone takes a privilege or free time away from the student <p>Function (Get and/or Avoid):</p> <ul style="list-style-type: none"> - Avoids tasks that demand skills, which A has not yet developed (e.g., those related to executive functioning, emotional regulation, cognitive flexibility and socialization) - Avoids difficult tasks and non-preferred activities

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Setting Events (Conditions that Increase likelihood of behavior(s))	Antecedent (What occurs before?)	Target Problem Behavior(s) (Observable/Measurable)	Maintaining Consequence/ Function (What happens after? What does student get and/or avoid?)
language are needed.			

Statement of Functional Hypothesis:

Across numerous times of the day and throughout various settings within school, A is reported to engage in disruptive behavior (e.g. running/jumping; throwing body; calling out; crying) and dangerous behavior (e.g. hitting/throwing objects; hitting classmates and adults). Upon direct observation of A, it was noted that he engaged in disruptive behavior an average of 4 times per day and dangerous behavior an average of 2 times per day, with intensity and duration ranging from low to high. It is hypothesized that A's engagement in these behaviors is attributable to his minimally developed executive functioning skills, which can aide in one's ability to easily transition, consider consequences, manage impulsivity and focus attention. Additionally, it is hypothesized that A has not yet developed the emotional regulation skills, which aide in one's ability to think logically when frustrated, as well as manage feelings of disappointment in an age-appropriate manner, nor has he developed the socialization and cognitive flexibility skills, which could support him in school. A tendency to engage in disruptive and dangerous behaviors appears most likely to occur when task demands exceed his overall abilities in the moment.

Behavioral Supports & Interventions Previously Tried:

NYS Regulation: [200.22(a) (2)]

Describe any interventions previously attempted for the student and the results of these interventions.

- All interventions previously tried are still being implemented

Behavioral Supports & Interventions Currently in Place:

NYS Regulation: [200.22 (a) (3)]

Describe classroom, small group, or individualized interventions currently in place for student (individual counseling, check-in check-out, etc.)

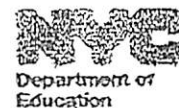
- Drawing/writing/journaling
- Breathing techniques
- Breaks to take a walk
- Giving A space
- Planned ignoring
- Speaking in a calm voice
- Redirection
- Time away from the situation
- Validating his concern

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Describe/List Student Interests and Possible Reinforcers (Refer to Assessment of Student Preferences, IEP, Staff/Parent/Student Interviews as appropriate):

NYS Regulation: [200.22(a) (3)]

- 1) What are the student's interests or preferences?
 - Socializing with teachers
 - Dr. Seuss
 - Playing
 - Hands-on activities
- 2) What does the student find reinforcing or motivating?
 - Calm and neutral tone of voice
 - Positive attention
 - Validating his concern
 - Being given space and time (e.g. water break)
 - Proactive breaks
- 3) What is not reinforcing or motivating for this student?
 - Reminders of consequences
 - Teachers taking away privilege (e.g. recess/free time)
 - Being forced to problem solve before he is ready
 - Teachers talking when he is not ready

Replacement Behavior(s) that Serve Same Function and Strategies for Teaching New Behavior(s):

NYS Regulation: [200.22 (a) (3)]

Name the Replacement Behavior(s) and provide recommendations for teaching alternative replacement skills or behaviors.

In order to minimize Tyler's disruptive behavior and encourage him to appropriately verbalize when he is frustrated and/or needs help, the following are recommendations:

- When A finishes assigned work he is allowed to earn choice time
- A should have preferential seating
- A teachers should provide continuous positive prompting, encouragement and support

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SENT VIA ELECTRONIC & CERTIFIED MAIL

February 24, 2017

To Ms. Patrick and Mr. [REDACTED] the Parents/Legal Guardians of A [REDACTED] G

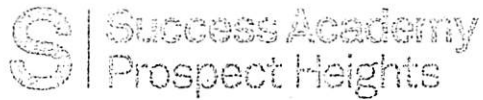
At Success Academy, we place tremendous importance on mutual respect and safety. We have great respect for our scholars and their families, and we expect the same in return. We have a zero-tolerance approach when it comes to violent or dangerous behavior. There is no compromise on these points.

On February 24, 2017, your scholar engaged in the following extremely violent and unsafe behavior:

- Grabbing an Assistant Principal by the hair and using a tight grip to yank her down the hallway, while using his other hand to repeatedly hitting her in the head and neck, leaving several marks;
- Intentionally throwing a stool at the Assistant Principal, striking her in the hand;
- Repeatedly and forcefully yanking on a lanyard worn around the Assistant Principal's neck, resulting in a neck injury that required immediate medical care;
- Repeatedly kicking the Assistant Principal and another member of school leadership;
- Tearing a mounted placard off the wall and throwing it at his classmates; and
- Charging his body at and colliding with the Assistant Principal.

The above behavior required the Assistant Principal to go to Urgent Care for assessment and treatment of extreme physical pain in her neck and head. It also required support from several other staff members and NYPD officers. Your scholar also engaged in the following extremely violent and unsafe behavior towards them:

- Kicked the Principal in the legs;
- Kicked and attempted to bite and punch a School Safety Agent.



A engaged in behavior that inflicted serious bodily injury and extreme pain upon staff. His actions constitute a **Level 4 infraction** of our Code of Conduct. Accordingly, maintaining the current placement is substantially likely to result in further injury to himself and/or others. In addition to being dangerous, this highly concerning behavior poses an ongoing threat of disruption to the academic process.

Therefore, A will be removed to an Interim Alternative Educational Setting for 45 days. During this period, he will receive alternative instruction that is substantially equivalent to his regular classroom program and services to allow him to make progress toward the goals on his Individualized Education Program ("IEP"), as determined by the IEP team. Under New York State compulsory education law, parents are required to send school-age students to alternative instruction during a disciplinary change in placement. Accordingly, scholars who do not attend alternative instruction will be marked absent. We will contact you to make necessary arrangements.

If you would like to discuss this further with me and/or any of the staff involved, please let me know, and I will arrange a meeting. You and A have protections under the procedural safeguards provisions in Part B of the Individuals with Disabilities Education Act. Please review the attached Procedural Safeguards notice, also available at:

<http://www.p12.nysed.gov/specialed/formsnotices/documents/PSGN-RevisedJune2016.pdf>.

Please call Julie Melki at 646-288-7333 if you have any questions regarding this process.

Sincerely,

A handwritten signature in cursive script that reads 'M. Komery'.

Monica Komery
Managing Director of Schools

5

Cover Sheet

Student: A.G.

DOB:

District: 17

Hearing Request by: Attorney

IHO: Robert Briglio

Record Close: March 28, 2017

Submitted: March 29, 2017

Hearing Officer's Finding of Fact and Decision

Case No. 165669

Introduction

This hearing was requested on March 7, 2017 by Nancy Bedard, Esq., of Brooklyn Legal Services, attorney for the family of student, A.G. (or A.). The hearing was requested because the parent disagreed with the decision of Success Academy Prospect Heights Charter School (Success Academy) to remove A.G. to an Interim Alternative Educational Setting (IAES) for 45 days as a result of an alleged incident that took place on February 24, 2017. The request seeks immediate reinstatement of A.G. to his current placement at Success Academy and compensatory services, among other relief. Exhibit A

I was appointed to hear the matter by New York City Department of Education's Impartial Hearing Office on March 21, 2010, and an expedited hearing (34 C.F.R. 300.530 [c]) was scheduled for March 24, 2017 pursuant to the Individuals with Disabilities Education Improvement Act (I.D.E.I.A.) at 20 U.S.C. §1415(f). The hearing continued on March 28, 2017.

Appended hereto is a list of the persons in attendance at the hearing and the documents received in evidence.

Background

At the hearing on March 28, 2017, the parent continued to assert that no suspension hearing was held in this matter pursuant to New York Education Law 3214 (c) as required. The DOE offered no evidence that such a proceeding was held. Rather, the DOE contended its manifestation determination was appropriate and any possible technical violations of discipline procedures does

not invalidate the manifestation determination.

The only notice of the student's suspension and change in placement to an IAES consists of a letter to the parent from Success Academy describing an event that allegedly occurred on February 24, 2017. The notice states that A.G. grabbed the Assistant Principal (A.P.) by the hair, yanked her down the hallway while hitting her, threw a stool at the A.P., yanked on a lanyard worn by the A.P. injuring her neck, repeatedly kicked the A.P. and another staff member, threw a placard at classmates, and charged and collided with the A.P., which actions caused the A.P. to receive medical care. The student then allegedly kicked the principal and a school safety agent. This behavior is alleged to have caused "serious bodily injury" and constituted an ongoing threat of disruption at the school. The February 24, 2017 notice informs the parent that A.G. will be removed to an IAES for 45 days as a result of the behavior. Exhibit C

A notice from Success Academy, dated March 1, 2017 advises the parent that A.G. will receive two hours per day of instruction from Varsity Tutors during the IAES placement and receive related services from his Individualized Education Program (IEP) (Exhibits B & 1) through the issuance of Related Service Authorization (RSA). Exhibit D

A report by the DOE Manifestation Determination Review (MDR) Team, dated March 10, 2017, determined that the student's behavior, which resulted in his suspension, was not a manifestation of the student's educational disability. Exhibit 5

The parent, through counsel requested this hearing on March 11, 2017 seeking immediate reinstatement of A.G. to his current placement at Success Academy and compensatory services, among other relief. Exhibit A

Position of the Parties

DOE Position¹

The DOE contends that the MDR meeting held on March 10, 2017 was procedurally and substantively valid, and the MDR determination that the incident on February 24, 2017 involving A.G. at Success Academy was not a manifestation of the student's disability was correct. The parent was properly notified about the meeting, all mandated members were present, all necessary information was reviewed, and the decision was based on appropriate information. The failure to hold a superintendent's suspension hearing is not a substantial procedural violation of the I.D.E.I.A. and does not render invalid an otherwise appropriate and fair manifestation determination according to the DOE *citing A.C. v. Bd. of Educ.*, 553 F.3d 165, 172

The DOE contends that the student's conduct violated Success Academy's Code of Conduct, the student had engaged in similar behaviors before the incident in question, and the student's behavior on February 24, 2017 falls under special circumstances related to serious bodily injury under the discipline provisions of the I.D.E.I.A.

Parent's Position²

The parent contends that the special circumstances provision of the I.D.E.I.A. providing for placement in an IAES for up to 45 days is expressly limited to specific circumstances including having illegal substances in school, carrying a knife or gun, or causing "serious bodily injury". The serious bodily injury provision is limited to the definition in 20 U.S.C. 1415 (k) (7) (D), which defines it as bodily injury involving substantial risk of death, extreme physical pain, protracted or obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

¹ The DOE Opening Form is appended to the record as IHO Exhibit I

It is contended that viewed in a light most favorable to Success Academy the allegations in the parent notice of February 24, 2017 do not satisfy any of the criteria needed for a determination that serious bodily injury occurred giving rise to the 45 day suspension of A.G. to an IAES.

The parent further contends that A.G. and his parent were deprived of due process by the failure of the DOE and Success Academy to arrange for a suspension hearing pursuant to N.Y. Educ. Law 3214 (3) (c)

As a result of the DOE and Success Academy violations A.G. was denied a free, appropriate, public education (FAPE), which requires that A.G. be reinstated to his current placement at Success Academy and receive compensatory services for the unlawful suspension.

Findings of Fact and Conclusions of Law

The issue of the failure of Success Academy and the DOE to provide the parent with notice and an opportunity for a suspension hearing pursuant to N.Y. Educ. Law 3214 (c) is a plain violation of due process in its own right and subverts meaningful due process proceedings under the I.D.E.I.A. with respect to a manifestation determination pursuant to 34 C.F.R. 300.530 (e). However, I do not have jurisdiction to order a suspension hearing in this matter, and decline to so.³

I do have jurisdiction to order that the parent receive notice required under the I.D.E.I.A. before a disciplinary change in placement is made pursuant to 34 C.F.R. 300.530 (i). The record reflects no such notice was provided, and I find that failure contributes to a finding that the suspension of A.G. by Success Academy was unlawful.

² The parent's Closing Statement is appended to the record as IHO Exhibit II

³ Parent's counsel urged that this expedited hearing was required before going to a court for relief regarding the failure to provide the family with a suspension hearing pursuant to N.Y. Educ. Law 3214 (3) (c) under legal principles requiring exhaustion of administrative remedies. I disagree because the required administrative proceeding (suspension hearing) was not offered. See *Sherry v. N.Y.S. Educ. Dept.*, 479 F.Supp. 1328, 1333 (W.D.N.Y. 1979), court has jurisdiction to hear claim that defendants failed to provide impartial hearing required under the Education

Substantively, I agree with the parent that the reasons stated by Success Academy for ordering A.G. to an IAES are insufficient on the face of the allegations. The basis for the allegation that A.G. inflicted serious bodily injury on February 24, 2017 consists of an incident in which seven year old, A.G. grabbed Success Academy's A.P. by the hair, yanked her down the hallway while hitting her, threw a stool at the A.P., yanked on a lanyard worn by the A.P. injuring her neck, repeatedly kicked the A.P. and another staff member, threw a placard at classmates, and charged and collided with the A.P., which actions caused the A.P. to seek medical care. The student then kicked the principal and a school safety agent.

Taken collectively these allegations do not rise to the level of serious bodily injury as that term is defined in the law. Rather, I agree with the parent that such conduct even if true, which I doubt, could not create a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily organ, or mental faculty. See 20 U.S.C. 1415 (k) (7) (D)⁴

Accordingly, for all of the above reasons, I find the suspension of A.G. to an IAES by Success Academy to be unlawful, and the DOE shall take whatever steps necessary to have the student immediately reinstated at Success Academy. See N.Y. Educ. Law 2851 (1) (h)

Compensatory Services

The parties do not appear to dispute that appropriate compensatory services requires the provision of the services provided for in the IAES. Exhibit D

Accordingly, the DOE shall review the provision of special education services to A.G. since

of the Handicapped Act.

⁴ The only evidence regarding injury to the A.P. at Success Academy is noteworthy for the lack of demonstrated serious injury and the patient was advised to take Ibuprofen as needed. See Exhibit 14

his suspension on or about February 27, 2017 and ensure that A.G. receives two hours of special education instruction for each school day the student was suspended, which instruction shall continue until such time as A.G. returns to school.

The DOE shall review the provision of related services to A.G. since his suspension from Success Academy on or about February 27, 2017 and ensure that A.G. receives all related services recommended on the student's IEP (Exhibits 1 & B) for each week the student was suspended, which services shall continue until such time as A.G. returns to school.

The DOE shall issue the parent of A.G. any authorizations necessary to obtain the compensatory services ordered herein.

Order

The DOE shall take whatever steps necessary to have A.G. immediately reinstated at Success Academy.

The DOE shall ensure A.G. receives compensatory special education services as set forth herein.

Dated: March 29, 2017

ROBERT BRIGLIO, ESQ.
Impartial Hearing Officer

WITNESS LIST

March 24, 2017

For the Parent

Nancy Bedard, Esq., Attorney

For the DOE

Natalya Simarova, District Representative

March 28, 2017

For the Parent

Nancy Bedard, Esq., Attorney

K.P., Parent

For the DOE

Natalya Simarova, District Representative

EXHIBIT LIST

Ex.	Date	Description	pg.
DOE:			
1	12/20/16	IEP	13
2	9/22/16	FBA	7
3	1/04/17	BIP	4
4	3/16/17	Notice of Resolution Meeting	2
5	3/10/17	Manifestation Review Worksheet	6
6	1/27/17	Pediatric Service Note	1
7	2/01/17	John Hopkins Medicine Library	2
8	2/14/17	Email	1
9	3/02/17	Email	2
10	3/17	Email Exchange	4
11	1/24/17	Letter from Success Academy	2

12	2/17/17	A B C Chart	2
13	3/13/17	Success Academy Letter	1
14	2/24/17	State Care Report	2

Parent:

A	3/07/17	Expedited Hearing Request	3
B	1/28/17	IEP	15
C	2/24/17	Success Academy letter	2
D	3/01/17	Success Academy letter	2
E	6/02/16	Psycho-educational Evaluation	8
F	9/22/16	Functional Behavior Assessment	6
G	9/22/16	Behavior Intervention Plan	7
H	12/01/16	Classroom Observation, DOE	1
I	12/03/16	Speech and Language Evaluation,	11
J	12/05/16	Occupational Therapy Evaluation	8
K	12/7/16	Success Academy Counseling Rpt.	2

IHO:

I	3/28/17	DOE Opening	1
II	3/27/17	Parent Memorandum	4

-----X

In the Matter of the Impartial
Hearing of

A.G.

& the New York City
Department of Education

**NOTICE OF APPEAL RIGHT
TO STATE REVIEW OFFICER**

-----X

PLEASE TAKE NOTICE

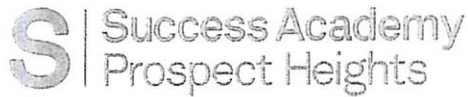
Within 35 days of receipt of this decision, the parent and/or Public School District has a right to appeal the decision to the State Review Officer (SRO) of the New York State Education Department under Section 4404 of the Education Law and the Individuals with Disabilities Education Act. Failure to file the notice of intention to seek review is a waiver of the right to appeal this decision.

If the parent plans to appeal the decision, a notice of intention to seek review shall be personally served upon the school district not less than 10 days before service of a copy of the petition for review upon such school district, and within 25 days from the date of the decision sought to be reviewed so that a certified copy of the hearing record may be prepared for submission by the school district. If a school district plans to appeal the decision, the district shall file a certified copy of the hearing record together with its petition.

An appealing parties' petition for review shall be personally served upon the opposing party within 35 days from the date of the decision sought to be reviewed. If the decision has been served by mail upon the petitioner, the date of mailing and the four subsequent thereto shall be excluded in computing the 25- or 35-day period. (8 NYCRR § 279.2(b))

The rules of procedure for proceedings before a SRO are found in Part 279 of the Regulations of the Commissioner of Education available at <http://www.sro.nysed.gov/part279home.html>.

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SENT VIA ELECTRONIC & OVERNIGHT MAIL

September 13, 2017

To Kim Patrick and Garvin G [REDACTED], the Parents/Legal Guardians of A [REDACTED] G

At Success Academy, we place tremendous importance on mutual respect and safety. We have great respect for our scholars and their families, and we expect the same in return. We have a zero-tolerance approach when it comes to violent or dangerous behavior. There is no compromise on these points.

On September 12, 2017, your scholar was asked to pick a clipboard off the ground. In response, your scholar:

- Stabbed his paraprofessional in the eye with a pencil, resulting in EMS transporting her immediately to the hospital for medical care;
- Repeatedly punched his paraprofessional in the face and chest, using two closed fists;
- Repeatedly slapped his paraprofessional in the face;
- Pulled his paraprofessional's hair.

A [REDACTED] engaged in behavior that inflicted serious bodily injury and extreme physical pain upon his paraprofessional. Maintaining the current placement is substantially likely to result in further injury to himself and/or others. In addition to being dangerous, this highly concerning behavior poses an ongoing threat of disruption to the academic process.

The school has recommended that your scholar be removed to an Interim Alternative Educational Setting ("IAES") for 20 days. A hearing has been scheduled to discuss this matter with you further and determine whether this recommendation is appropriate. The hearing will occur on Monday, September 18, 2017 at 9:00am and will be held at Success Academy Prospect Heights, located at 801 Park Place, Floor 4, Brooklyn, New York 11216. You and your scholar have the right to be represented by counsel at your expense, the right to question witnesses, and the right to present witnesses and other evidence. If you plan to bring counsel and/or if there are specific individuals you would like to speak with at the hearing, please notify me at least 48 hours prior to the hearing so that I can make the necessary arrangements.

The school will notify the Committee on Special Education ("CSE") of the need for a Manifestation Determination Review ("MDR") to determine whether the above behavior was the result of your scholar's disability and to ensure that your scholar receives proper supports during the IAES. The CSE will reach out to you to schedule the MDR. In the meantime, the school is arranging for your scholar to receive alternative instruction that is substantially equivalent to his regular classroom program, and services that will allow him to make progress toward the goals on his Individualized Education Program ("IEP"), as determined by the IEP team. Under New York State compulsory education law, parents are required to send school-age students to alternative instruction during a disciplinary change in placement. Accordingly, scholars who do not attend alternative instruction will be marked absent. We will contact you with further details about those arrangements once they have been finalized.

You and A have protections under the procedural safeguards provisions in Part B of the Individuals with Disabilities Education Act. Please review the attached Procedural Safeguards notice, also available at:

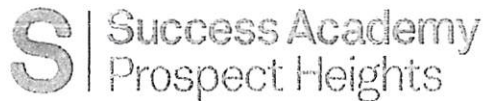
<http://www.p12.nysed.gov/specialed/formsnotices/documents/NYSEDProceduralSafeguardsNoticeJuly2017v2.pdf>.

Please call Julie Melki at 646-288-7333 if you have any questions regarding this process.

Sincerely,

Javeria Khan
Managing Director of Schools

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SENT VIA ELECTRONIC AND OVERNIGHT MAIL

September 19, 2017

To Kim Patrick and Garvin G. [REDACTED] the Parents/Legal Guardians of A. [REDACTED]

On September 18, 2017, at 4:00 pm, a hearing was held at Success Academy Prospect Heights to determine whether A. [REDACTED] September 12, 2017 placement in an Interim Alternative Educational Setting ("IAES") was appropriate.

As you are aware, A. [REDACTED] was placed in an IAES on September 12, 2017 after he:

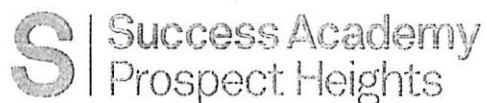
- Stabbed his paraprofessional in the eye with a pencil, resulting in EMS transporting her immediately to the hospital for medical care;
- Repeatedly punched his paraprofessional in the face and chest, using two closed fists;
- Repeatedly slapped his paraprofessional in the face;
- Pulled his paraprofessional's hair.

At the hearing, the following individual(s) spoke about their recollection of the incident above:

- Ms. Sydney Solomon, principal of Prospect Heights;
- Ms. Dorothy Atkin-Mapes, A. [REDACTED] teacher;
- Mr. Garvin G. [REDACTED] A. [REDACTED] father.

After careful consideration of the findings described in the document attached, I have determined that the IAES was appropriate. Accordingly, your scholar will remain in the IAES for a total of 20 school days.

A. [REDACTED] will remain in the IAES until October 13, 2017 and may return to Success Academy Prospect Heights on October 16, 2017. During this time, A. [REDACTED] will continue to receive alternative instruction that is substantially equivalent to his regular classroom program and services to allow him to make progress toward the goals on his Individualized Education Program ("IEP"), as determined by the IEP team.



If you choose, you may appeal this decision to the Board of Trustees of the School within 10 business days. You may submit your appeal to:

Samuel Cole
Board Chairperson
Success Academy Charter School – NYC Board of Trustees
95 Pine Street, 6th Floor
New York, New York 10005

You and your child have protections under the procedural safeguards provisions in Part B of the Individuals with Disabilities Education Act. A copy of New York State's Procedural Safeguards Notice is attached and is available at:

<http://www.p12.nysed.gov/specialed/formsnotices/documents/NYSEDProceduralSafeguardsNoticeJuly2017v2.pdf>.

Please call me at 347-268-0327 if you have any questions about the above.

Sincerely,

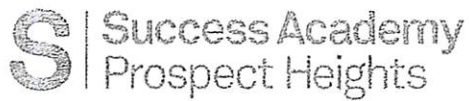
A handwritten signature in black ink, appearing to read 'LaMae de Jongh'. The signature is fluid and cursive, with a large loop at the beginning and a long, sweeping tail.

LaMae de Jongh
Managing Director of Schools

Cc: Nancy Bedard
Darnell Usher
% Brooklyn Legal Services
105 Court Street, 4th Floor
Brooklyn, New York 11201

Encl: IAES Hearing Findings Sheet
Procedural Safeguards

8



IAES HEARING FINDINGS SHEET

School Manager/Superintendent Name: Jamiae Agha

Scholar Name: A

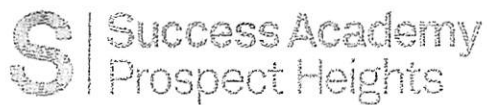
Parent/Guardian Name: Kim Patrick D., Darnin A.

Hearing Date: September 18, 2017

Hearing Attendees:

Name	Title/Relationship to Scholar
Kim Patrick D.	Mother of A
Darnin D.	Father of A
Sydney Solomon	Principal of SAPH
Dorothy Mape	SAPH Teacher of A
Chris Dwyer	Legal Counsel, Success Academy
Nancy Bedard	BIS Advocate
Daniel Usher	Advocate

If there are additional individuals, please continue this list on the back of this page.



After meeting with the above-listed individuals, considering the information provided at the hearing, and considering any other evidence, I find that there is competent and substantial evidence to support the following:

1. On Sept 12th, 2017 (date), the Scholar:

- a. Carried or possessed a weapon: YES ☐ NO ☒ N/A ☐
- b. Knowingly possessed or used illegal drugs: YES ☐ NO ☒ N/A ☐
- c. Sold or solicited the sale of illegal drugs: YES ☐ NO ☒ N/A ☐
- d. Inflicted serious bodily injury upon another person: YES ☒ NO ☐ N/A ☐

Notes:

Scholar's behaviors included punching the paraprofessional with two fists, slapping the paraprofessional in the face, pulling the paraprofessional's hair and outstretched a pencil or using pencil to stab the eye of paraprofessional. In either case the paraprofessional sustained an injury which required medical care.

2. The above listed action(s) in Question 1 that has been checked "Yes" occurred while at school, on school premises, and/or at a school function: YES ☒ NO ☐ N/A ☐

Notes:

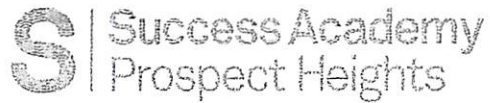
These behaviors and actions occurred during the school day in the scholar's classroom.

3. Additional evidence/factors considered:

With Parents, now their attorney or advocate, ^{refuted} the scholar's behaviors for action. It is the severity of the action and behaviors which I am giving the most consideration.

4. Based on the foregoing, I have determined that the Scholar:

- ☒ Should be removed to an Interim Alternative Educational Setting (IAES)
- ☐ Should not be removed to an IAES



If the scholar should be removed to the IAES, the scholar should remain in the IAES for a total of 20 days, returning to School on Oct 16th 2017

Notes:

If applicable, details of the setting for the IAES will be provided to the Parent/Guardian by the School.

School Manager / Superintendent Signature:

A handwritten signature in black ink, appearing to read 'Lillian DeBryh', written over a horizontal line.

Name:

Lillian DeBryh

Date:

September 19, 2017

Right to Appeal and Procedural Safeguards. This decision may be appealed to the Board of Trustees of the School within 10 business days of this hearing. The appeal may be submitted to:

Samuel Cole
Board Chairperson
Success Academy Charter School – NYC Board of Trustees
95 Pine Street, 6th Floor
New York, New York 10005

Students with disabilities have protections under the procedural safeguards provisions in Part B of the Individuals with Disabilities Education Act. A copy of New York State's Procedural Safeguards Notice is attached and is available at:
<http://www.p12.nysed.gov/specialed/formsnotices/documents/NYSEDProceduralSafeguardsNoticeJuly2017v2.pdf>.

9

Cover Sheet

Student: A.G.

DOB:

District: 18

Hearing Request by: Attorney

IHO: Robert Briglio

Record Close: November 9, 2017

Submitted: November 9, 2017

Hearing Officer's Finding of Fact and Decision

Case No. 9-170476

Introduction

This hearing was requested on October 20, 2017 by Nancy Bedard, Esq., of Brooklyn Legal Services, attorney for the family of student, A.G. (or A.). The hearing was requested because the parent disagreed with the decision of Success Academy Prospect Heights Charter School (Success Academy) to remove A.G. to an Interim Alternative Educational Setting (IAES) for 20 days as a result of an alleged incident that took place on September 12, 2017. The request seeks immediate reinstatement of A.G. to his current placement at Success Academy and compensatory services, among other relief. Exhibit A

I was appointed to hear the matter by New York City Department of Education's Impartial Hearing Office on October 23, 2017, and an expedited hearing (34 C.F.R. 300.530 [c]) was scheduled for November 6, 2017 pursuant to the Individuals with Disabilities Education Improvement Act (I.D.E.I.A.) at 20 U.S.C. §1415(f).

Appended hereto is a list of the persons in attendance at the hearing and the documents received in evidence.

Background

At the hearing on November 6, 2017, the parent asserted a number of claims including that a suspension hearing held pursuant to New York Education Law 3214 (c) was improperly conducted and deprived the student of due process. The parent also claimed that the instruction A.G. received in the IAES was inappropriate and no related services were provided. The parent is

seeking special education instruction as a compensatory remedy and related services. The parent is also seeking to have the record of A.'s suspension expunged because the suspension hearing that was held deprived the student of due process.¹

The DOE contends that it offered the parent compensatory relief for related services missed during the suspension period and is willing to consider the provision of additional special education instruction to compensate for missed instruction during the suspension. The DOE opposes any remedy regarding the suspension hearing in this matter as such relief is outside the authority of the Hearing Officer.

Finding of Fact and Decision

A report by the DOE Manifestation Determination Review (MDR) Team, dated September 26, 2017, determined that the student's behavior, which resulted in his suspension, was a manifestation of the student's educational disability. (Exhibit C) A Functional Behavior Assessment (FBA) was conducted for the student by the Committee on Special Education (CSE) on September 22, 2016. (Exhibit D) Accordingly a FBA is not required by Federal Regulations. See 34 C.F.R. § 300.530 (f) (1) (i) However, I find that the FBA requires updating at this time. See 34 C.F.R. § 300.324 (b) (i)

The parties agreed that A.G. was reinstated to Success Academy and that issue is resolved. The parent indicated that A.G. received 2 hours per day (40 hours total) of instruction at the IAES. There was no dispute that the instruction provided was by a general education teacher. Accordingly, I find that A.G. is entitled to 40 hours of special education instruction by a licensed special education teacher as compensation, which can be provided in the form of Special Education

¹ An additional submission by the parent, dated November 6, 2017 is appended to the record as IHO Exhibit I

Teacher Support Services (SETSS). *Reid v. District of Columbia*, 401 F.3d 516,522 (U.S.C.A., Dist. Col. 2005), compensatory relief should ensure a student receives instruction to remediate individualized needs and that such relief is reasonably calculated to provide the educational benefits that likely would have accrued from special education services the school district should have provided in the first place.

With respect to related services, the DOE has recently provided the parent with authorization to obtain all sessions of related services that were missed including authorization to receive them on a 1:1 basis, which resolves this issue.

The issue of the appropriateness of the suspension hearing by Success Academy in this matter I find to be outside my jurisdiction, and I decline to make any finding or order relief on this issue. See 34 C.F.R. §§ 300.530 et seq

With respect to the appropriateness of the suspension to an IAES because the student's behavior caused serious bodily injury (20 U.S.C. § 1415 [k] [7] [D]), that issue must also be explored through appeal of the suspension hearing and upon that record. I note, however, on the record before me it is highly unlikely the standard was met, and I have reached this same conclusion recently in another matter involving this same student and school. See Finding of Fact and Decision in Case No. 165669, dated March 29, 2017.²

Order

The DOE shall ensure A.G. receives compensatory special education services as set forth herein- 40 hours of special education instruction by a licensed special education teacher, which can be provided in the form of SETSS and all related services recommended for the 20 day period

² The Finding of Fact and Decision in Case No. 165669 is appended to the record as IHO Exhibit II

which may be provided 1:1. The DOE shall issue the parent of A.G. any authorizations needed to obtain compensatory services.

The DOE CSE shall have a current FBA performed if it has not done so within one year of the previous FBA and amend the student's Behavior Intervention Plan if necessary.

Dated: November 9, 2017

ROBERT BRIGLIO, ESQ.
Impartial Hearing Officer

WITNESS LIST

November 6, 2017

For the Parent

Nancy Bedard, Esq., Attorney

K.P., Parent

For the DOE

Amy Fellenbaum Esq., Attorney

EXHIBIT LIST

Ex.	Date	Description	pg.
Parent:			
A	9/21/17	Expedited Hearing Request	2
B	1/28/17	IEP	15
C	9/26/17	Manifestation Determination	7
D	9/22/16	FBA	6
E	9/22/16	BIP	7
F	9/13/17	Success Academy Suspension Notice	2
G	9/19/17	Success Academy Suspension Decision	5
H	9/26/17	Email for record	1
I	9/29/17	Appeal of Suspension Hearing	7
J	10/17/17	Success Academy NYC Appeal Decision	3
K	11/06/17	Closing Statement	4
IHO:			
I	11/06/17	Parent Submission	4
II	3/29/17	Finding of Fact and Decision	10

-----X

In the Matter of the Impartial
Hearing of

A.G.

& the New York City
Department of Education

**NOTICE OF APPEAL RIGHT
TO STATE REVIEW OFFICER**

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PLEASE TAKE NOTICE

The parent and/or the New York City Department of Education has a right to obtain a review of this decision by a State Review Officer of the New York State Education Department under Part 200.5(k) of the Regulations of the Commissioner of Education, Section 4404 of the Education Law, and the Individuals with Disabilities Education Act.

Directions and forms can be found on the Office of State Review
website: <http://www.sro.nysed.gov/RevisedRegulationsOverview.html>.

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October 17, 2017

Nancy Bedard
Brooklyn Legal Services
105 Court Street, 3rd Floor
Brooklyn, NY 11201

Dear Ms. Bedard,

I received your letter regarding the removal of A G, first grade scholar at Success Academy Charter School - Prospect Heights ("SA Prospect Heights"), to an Interim Alternative Educational Setting ("IAES") for 20 days for engaging in the following behavior: stabbing his paraprofessional in the eye with a pencil; repeatedly punching his paraprofessional in the face and chest, using two closed fists; repeatedly slapping his paraprofessional in the face; and pulling his paraprofessional's hair. You request that A G removal to an IAES be reversed because you believe it violates state and federal laws and regulations. I have looked into the the matters you raised regarding that request, and the Board's determinations are below.

First, I want to address your factual assertions. In your letter, you state that the index card presented at A September 18, 2017 hearing did not contain the name of paraprofessional. I have reviewed a copy of the index card presented at the hearing, which lists the various ways A: used his hands to harm his paraprofessional. The index card was signed by the paraprofessional, and includes her phone number below the signature. I believe it provides clear written evidence that A: stabbed his paraprofessional in the eye with a pencil.

You also state in your letter that A father, Garvin Garraway, testified that he personally saw no evidence of the paraprofessional's injury on September 12, 2017. You do not indicate that Mr. Garraway made any effort to evaluate the paraprofessional's injuries. Mr. Garraway's observation of the paraprofessional as he rushed past her in the hallway on his way to A must be balanced against the paraprofessional's written statement and the testimonies of A principal, Sydney Solomon, and teacher, Dorothy Atkin-Mapes. On the whole, based on the information available to me, I believe the paraprofessional's eye was in fact injured by A actions.

You also raise concerns with the Findings Sheet used to document the hearing and the Superintendent's findings. Specifically, you state that no discussion or explanation of the findings was offered. In reviewing the Findings Sheet, however, I see that the Superintendent noted that neither you nor your client denied A: actions. Without any evidence (other than Mr. Garraway's passing observation of the paraprofessional as he went to meet A: to contest the allegation that A: stabbed, punched, slapped, and pulled his paraprofessional's hair, as shown by the oral testimony of A: principal and teacher and the note on the index

card, the Superintendent's discussion of the facts appears to accurately reflect the few disputed facts at issue.

I also want to address your legal arguments. SA Prospect Heights is not required to comply with the disciplinary hearing due process requirements outlined in New York State Education Law § 3214. The Charter Schools Act states that "[n]othing in this subsection shall affect *the requirements of compulsory education of minors* established by part one of article sixty-five of this chapter." N.Y. Educ. Law § 2854(b) (emphasis added). As § 3214 does not substantively address compulsory education requirements, charter schools are exempt from following those procedures. N.Y. Educ. Law § 2854(b) ("A charter school shall be exempt from all other state and local laws, rules, regulations or policies governing public or private schools . . . except as specifically provided in the school's charter or in this article.").

Even if § 3214 were applicable, SA Prospect Heights complied with all § 3214 requirements by providing proper notice and a fair hearing. You state that your client was not informed of her right to challenge the allegations. But the September 13, 2017 IAES placement notice specifically noted that "[y]ou and your scholar have the right to be represented by counsel at your expense, the right to question witnesses, and the right to present witnesses and other evidence." Also, while there is no requirement that SA Prospect Heights provide a witness or exhibit list ahead of the hearing, I understand that you requested and received both several days before the hearing.

Regarding the hearing itself, your appeal raises four specific objections. First, you object to certain testimony and documents on hearsay grounds. Hearsay, however, is admissible in a suspension hearing and may, on its own, constitute competent and substantial evidence to find that a scholar engaged in misconduct. *Matter of Bd. of Educ. of Monticello Cent. Sch. Dist. v. Comm'r of Educ.*, 91 N.Y.2d 133, 141 (1997); see also *Appeal of A Student Suspected of Having a Disability*, Comm'r's Decision No. 14,707 (Mar. 29, 2002), available at <http://www.counsel.nysed.gov/Decisions/volume41/d14707>. Second, you argue that the Board should reverse the suspension because SA Prospect Heights did not provide a verbatim record of the hearing. Even if it were applicable, N.Y. Educ. Law § 3214 is clear that no stenographic transcript is required and although it references a tape recording as being sufficient, it does not *require* that a tape recording be provided. Third, you claim that SA Prospect Heights failed to administer oaths at the hearing. While § 3214 mentions the hearing officer's power to administer oaths, it does not specify that oaths must actually be administered. Finally, you argue generally that the hearing did not comply with the Supreme Court's directives in *Goss v. Lopez*, 419 U.S. 565 (1975). SA Prospect Heights provided more than the notice and informal hearing requirements outlined in *Goss*, which explicitly does not require the procedures you raise in your letter. *Id.* at 583.

You also claim that SA Prospect Heights has expanded the definition of "serious bodily injury." But being stabbed in the eye with a pencil caused A paraprofessional to sustain an injury which involves "extreme physical pain." In fact, she immediately called 911 and sought medical attention at an Emergency Care facility following the incident. See 18 U.S.C. § 1365(h)(3); 34

C.F.R. § 300.530(i)(3); see also *Appeal of a Student Expected of Having a Disability*, Comm'r's Decision No. 16,063 (May 10, 2010), available at <http://www.counsel.nysed.gov/Decisions/volume49/d16063> (affirming placement in an IAES where student "intentionally push[ed] another student causing the need for medical attention at the hospital due to his physical injury.").

Finally, you argue that SA Prospect Heights failed to provide A with alternative instruction in three previous suspensions, and that his current placement violates his right to FAPE. In each of A's suspension notice letters, your client was advised to contact the Main Office to schedule alternative instruction time. As SA Prospect Heights utilizes its regular educators to provide alternative instruction for short-term suspensions, families must contact the Main Office so that it can schedule a time that works for both the family and the school. I understand that your client did not request that the Main Office schedule alternative instruction for A for any of those prior suspensions.

Regarding his current placement, A receives two hours of instruction per day in his IAES, which is sufficient to provide substantially equivalent alternative education for students removed from the classroom. See *Appeal of V.E.*, Comm'r's Decision No. 14,985, (Nov. 19, 2003) ("[T]wo hours of alternative instruction fulfill[s] a district's obligation under the Education Law."). available at <http://www.counsel.nysed.gov/Decisions/volume43/d14985>. A paraprofessional, counseling services, and speech and language services are each administered by the Committee on Special Education. SA Prospect Heights requested that those services be implemented by the CSE as soon as possible. To the extent you believe that A's right to FAPE has been violated, this claim must be brought before an Impartial Hearing Officer. 34 C.F.R. § 300.531; 34 C.F.R. § 300.532.

After careful review and consideration of your concerns, the Board has determined that A's removal to an IAES for causing his paraprofessional extreme physical pain when he stabbed her in the eye with a pencil, punched and slapped her in the head and chest, and pulled her hair, was appropriate. A's removal to an IAES will not be reversed.

School staff are committed to working with A's parents and you to address A's educational and behavioral needs. They truly have A's best interest at heart, and will continue to work to ensure that he receives all of the special education services and supports available to him at SA Prospect Heights.

Sincerely,



Catherine Shinker
Board Member, Success Academy Charter Schools - NYC

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S | Success Academy Prospect Heights

November 17, 2017

Dear Ms. Richardson:

Today, we found a bedbug on your scholar's clothing. Bed bugs are tiny insects that live in furniture such as mattresses, sofas and couches. While bed bugs are a nuisance, they are not cause for alarm, as they are not known to cause or spread disease. Bed bugs can, however, spread from person to person through shared clothing or close proximity. They can leave bites on human skin that may consist of a raised red bump or by trails of bites in one area, and they are often accompanied by intense itching.

When a bed bug is found on a scholar's clothing, backpack or seat pack, it is our policy that the scholar be sent home and remain out of school while the family has the scholar's home inspected. The scholar may return to school once the family shows proof that the home where the scholar resides has been inspected for bed bugs and, if necessary, treated by an exterminator.

Given the need to prevent the spread of bed bugs, we must enforce this policy. If you would like more information about how to detect and get rid of bed bugs, please contact the Main Office.

Thank you for your prompt attention to this matter and for your cooperation. If you have any questions, please do not hesitate to contact Rachel Basore, Business Operations Manager, at (917)756-1272.

Sincerely,

Shirley Solomon
Principal, Success Academy Prospect Heights